

BROOKVILLE CITY COUNCIL  
REGULAR MEETING  
July 1, 2014

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on July 1, 2014 in the Brookville Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Cantrell, Duncan, Garber, Kirklin and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan, Manager Wright and Assistant Manager/Finance Director/Clerk Keaton were present.

Motion by Duncan, second by Apgar to accept the Agenda with additions. All yeas, motion carried.

Motion by Apgar, second by Kirklin to accept the June 17, 2014 Regular Meeting Minutes as presented. All yeas, motion carried.

Mayor Seagraves wished Member Kirklin a Happy Birthday.

Member Kirklin thanked Mayor Seagraves for the birthday wishes.

Brent Ball, Municipal Representative for Rumpke, and Sarah Cullin, Rumpke Public Relations Representative, presented Rhonda and Jozy Hanos with the Look Who's Recycling Spotlight on Recycling Award. Mr. Ball commented the Hanos' are the first recipients of this award and presented them with a gift card for \$100.

Mayor Seagraves asked Mrs. Hanos what motivates her to recycle?

Mrs. Hanos replied she wants to leave a smaller footprint on the earth and leave it a better place for her children and grandchildren. Mrs. Hanos commented that recycling is the easiest way to do this. Mrs. Hanos stated she really likes the new recycling totes and it is such a simple process to get a recycling container. There is no reason that everybody in the community cannot be recycling.

Mayor Seagraves observed that the recycling totes have increased participation in the recycling program.

Mr. Ball stated the recycling totes usually increase participation by 13 to 25 percent.

Mr. Hanos commented he likes the recycling totes because the smaller bins blow away easily. Mr. Hanos stated some weeks they fill their tote and several small bins.

Mayor Seagraves observed often times neighbors feed off of one another, so if one is recycling the neighbors follow suit.

Mrs. Hanos commented everyone should take the recycling pledge because it is so easy to do and so many more things are recyclable than in the past. Residents should check out Rumpke's website to see what can be recycled.

Member Cantrell asked if lids should be left on and if things should be washed?

Mr. Ball advised to leave the lids on and do not wash them.

Member Kirklin asked what are the top things that people include in their recycling containers that cannot be recycled?

Mr. Ball stated that would be electronics and yard waste, sometimes even pet waste.

Member Kirklin asked about pizza boxes?

Mr. Ball said pizza boxes are now recyclable. Mr. Ball said recycling continues to grow and change. Ultimately everything except for food by-products is recyclable and as recycling grows, they need to continue to find outlets for it.

Member Duncan observed Mrs. Hanos has a good point, there are so many more things now that can be recycled that many people may not be aware of, and suggested we include this information in our newsletter.

Member Letner commented that he would like to see a presentation of the entire recycling process.

Member Kirklin suggested this could be done at the Community Picnic.

Member Cantrell suggested making a recycling presentation at the Brookville Business Expo, which is held in September.

Mr. Ball advised Rumpke's new focus is outreach and education. The first thing people think of when they hear the name Rumpke is refuse, and fifteen years ago that was true, but Rumpke is now Ohio's largest recycler. Rumpke is a small family owned company based out of Cincinnati and recycling is their focus. Mr. Ball encouraged Council to take a field trip as a group and tour their recycling center to observe how recycling is sorted and processed.

Mayor Seagraves asked for Rumpke's web address?

Ms. Cullin replied their web address is [www.rumpke.com](http://www.rumpke.com) and educational materials and videos can be found at [www.rumpkecleanandgreen.com](http://www.rumpkecleanandgreen.com).

Member Garber asked if the liners inside of steel cans and aluminum pans with food stuck to them are recyclable?

Mr. Ball stated cans with liners are 100% recyclable and aluminum pans with food stuck to the sides can be recycled. Mr. Ball stated they will not pick up aluminum pans with half a pan of food in them. Residents should scrape the pan out as best they can and throw it in the recycling bin.

Member Duncan asked if light bulbs are recyclable?

Mr. Ball replied those are considered solid waste and should not be put in recycling bins.

Mayor Seagraves congratulated the Hanos' on their award.

Mr. Ball stated it is a pleasure to work with the City of Brookville.

Steven Chen, of 113 Ashmark, introduced himself as a senior this fall at Brookville High School and stated his goal is to attend the Air Force Academy and graduate as a second Lieutenant, majoring in military technology or special intelligence. Steven advised he has trilingual skills and was a delegate for Buckeye Boys State. Steven said he is currently seeking academy nominations, which must come from a federal level, and has contacted State Representative Mike Henne and Congressman Michael Turner.

Mayor Seagraves commented getting into the Air Force Academy is very challenging and very competitive.

Member Garber suggested that Steven should call Senator Brown or Senator Portman.

Member Cantrell asked if a letter from our Council to our State Representative as an introduction would be helpful?

Member Letner stated he has been through the process and academy nominations do have to come from the federal level. Member Letner stated Congressman Turner would be Steven's best bet. Member Letner advised Steven that Council could send a letter to Congressman Turner asking him to entertain Steven for five minutes.

Mayor Seagraves advised we can contact Congressman Turner's local office here in Dayton.

Member Garber suggested Steven also contact Brookville Superintendent Tim Hopkins to ask for a letter of recommendation.

Steven Chen stated while he was at Boys State, he also met Dan Willis, who works closely with Governor Kasich's office, and Mr. Willis offered to write him a letter of recommendation.

Mayor Seagraves stated we can have staff put together a letter from Council.

Member Cantrell commented she knows Steven personally as he has been in some her classes when she does substitute teaching at the high school. Steven's parents own a restaurant here in Brookville. Steven is trilingual, speaks Chinese and English fluently and is studying Spanish. Steven has traveled to China to spend the summer with his grandparents. Member Cantrell stated she would be pleased to sign a letter of recommendation for Steven.

Mayor Seagraves stated we will put a letter together and have Council sign it. Mayor Seagraves stated he will also make contact with Congressman Turner's office for Steven. Mayor Seagraves asked Steven if this process should be progressing right now?

Steven Chen replied that is correct and he is currently working on his congressional nomination packets.

Mayor Seagraves encouraged Steven to get as many letters of recommendation as possible.

Member Cantrell suggested taking copies of the recommendation letters from schoolteachers, superintendents and any other people to his meetings with Congressman Turner or any Senators he is able to meet with.

Steven Chen advised he is meeting with Representative Mike Henne regarding his academy nomination this week. Steven stated he is also going to express his interest in an internship to Representative Henne.

Mayor Seagraves encouraged Steven to get on this right away because he will probably find there is some stiff competition. It would be good to get to Representative Henne before four or five other candidates in the region get to him.

Mr. Chen thanked Mayor Seagraves and Council for their time and consideration.

Tyler Brophy, of 8431 Pleasant Plain Road, announced he is also pursuing the U.S. Air Force Academy. Tyler stated he is a junior in high school so he is starting out early to build his application. Tyler said he has a 3.6 grade point average which he is working to improve and is involved in sports.

Mayor Seagraves asked Tyler if he has contacted his high school guidance office to make them aware of his plans?

Mr. Brophy replied he has contacted a guidance counselor and they have no information on pursuing the Air Force Academy.

Member Garber commented the Air Force Academy is probably looking for well-rounded students who are academically strong and involved in athletics. Member Garber also suggested Tyler get involved in the community because the more of those activities he participates in the stronger candidate he will be. Any volunteer work or community involvement will look good on his academy application as well as a college application or a resume. Member Garber commented getting involved in ROTC would also be very helpful.

Member Kirklin suggested that Tyler contact Kathy Hubley about the Help Us program she is leading at the high school. This program helps students get their community service hours.

Mr. Brophy stated he has been involved in the big Brothers program and is in the YMCA Leaders Club.

Carl Snedeker, of 827 Shaney Lane, suggested that both boys contact the local VFW or AMVETS to see if they have any political contacts that could help them with their applications.

Mayor Seagraves asked Steven if has taken his ACT test?

Steven Chen replied he received a score of 26 on his ACT and is currently studying to re-take the test to improve his score. Steven commented he was nominated for a \$5,000 scholarship at Boys State and was one of ten nominates who will go through American Government testing and interviews for a chance to go to Washington DC and meet President Obama this fall.

Mayor Seagraves asked Tyler if he has taken his ACT test yet?

Tyler Brophy stated he has not taken the test yet.

Mayor Seagraves encouraged Tyler to take the test as soon as possible and advised him he can take it several times to get the best score possible. Mayor Seagraves commended both boys on their ambition and wished them both the best.

Manager Wright reported from April 10, 2014 through May 30, 2014 our Wastewater Treatment Plant treated 284,500 gallons of sludge. The cost to dispose of the dried materials was \$1,640. The chemical costs to separate the solids from the liquids were \$1,260 for a total of \$2,900. The old method of hauling the wet sludge would have cost us \$9,975 which means we saved just \$7,075 in 45 days. Manager Wright reported our treatment plant operators have a good handle on the process and it is working out well.

Manager Wright shared a thank you note to our sanitation workers for the Tonka trash truck, which looks just like their truck. Manager Wright advised our refuse crew found a toy trash truck and gave it to the boy.

Manager Wright requested in Executive Session on a Real Estate Matter.

Fire Chief Fletcher presented the Brookville Fire Department operations report for the month of June which reflects the activity is still above average. Fire department personnel responded to 110 EMS and 24 Fire incidents during the month of June. Crews handled a total of 134 incidents for the month, which is identical to the number of incidents handled in June of 2013. Fire Chief Fletcher reported if call volume continues it will exceed 1,800 calls in a one year period. Fire Chief Fletcher reported crews have been busy with fire hydrant flow testing throughout the City and the Townships. Fire Chief Fletcher reported work has also started on the new fire engine to get it ready to go in to service. Fire Chief Fletcher reported crews have also been busy testing hoses and pumps.

Member Garber asked if our ISO ratings for homeowners insurance are still high?

Fire Chief Fletcher responded the insurance agencies have found that giving rate breaks based on ISO readings is not feasible for single-family homeowners. Fire Chief Fletcher reported our businesses located within the city get a better rate than those in the Township because of our ISO ratings.

Police Chief Jerome reported the Brookville Police Department has handled 307 Reportable Incidents year-to-date, compared to 351 during this same time period last year. Citations are down 17 for a total of 254 Citations year-to-date. The Brookville Police Department has made 162 traffic stops during the month of May, which is an increase of 19 traffic stops during this same time last year. Police Chief Jerome reported Major Michael Miller will be retiring on July 9, 2014 and Captain Tom Simon will be promoted to the rank of Major on July 10, 2014. Officer Cherish Isaacs will be promoted to the rank of Captain on July 10, 2014 after a competitive promotional process conducted by the Assessment Center by the Kettering Group. Officer Isaacs will serve as the Brookville Police Departments first female supervisor. Police Chief Jerome reported

Officer Isaacs is in the process of completing her bachelor's degree at Urbana University and advised he will bring Officer Isaacs to a Council meeting when she finishes the night classes she is currently taking. Part-time Officer Jon Woody will be promoted to a full-time police officer position on July 24, 2014. Jon is currently a full-time dispatcher for the City of Englewood and has served as a part-time Officer with our department since 2013. Police Chief Jerome advised the new police cruiser is ready to put into service. Police Chief Jerome reported the help links for the heroin abuse problem are being added to the Police Department's website and the public will be able to access those resources within the next two weeks.

Member Garber commented that he has been asked why our Police Department makes so many traffic stops and his response was that if you take care of the little things they don't mushroom into big things. One good reason is that drug dealers see how many traffic stops we are making and they do not want to get caught with drugs.

Police Chief Jerome stated the Police Department is being very aggressive towards the heroin problem by promoting prevention, treatment and enforcement and traffic stops are part of this process.

Member Kirklin commented she thinks it would be interesting to follow those statistics beyond the arrests and the charges because just like word gets out if that when they come to Brookville they will get stopped, word can also get out that if you go to Brookville and are arrested, Montgomery County is going to let you off with a disorderly. Member Kirklin said we obviously don't want people to think if you're going to do it, do it in Brookville.

Police Chief Jerome stated unfortunately we cannot control what the courts do but he thinks that citizens should look at what is happening in the court system as it is all a matter of public record. It is no different than the DUI statistics which are watched by MADD, and those watch groups are very effective. Police Chief Jerome stated we cannot control what the court does but we are going to continue to make arrests and send people to court.

Member Kirklin stated having knowledge of what the court does and being aware of what the court does is important for everyone in our community.

Member Garber inquired whether it is still a problem to keep the dash cam batteries charged?

Police Chief Jerome replied all the departments bought a certain dash camera years ago and now it is to the point where we are continuously fixing them. Our new cruiser will have a state of the art dash cam. Police Chief Jerome stated he is upgrading one dash cam per year until they are all upgraded.

Law Director Stephan reported City staff is requesting that Council take two actions to address certain nonproductive properties within the City of Brookville. Law Director Stephan stated proposed Ordinance No. 2014-06 will permit the City to use the procedures set forth in the Ohio revised code Chapter 5722 to address certain tax delinquent vacant properties with property maintenance issues in the City of Brookville. Upon passage of this proposed Ordinance, a certified copy of the Ordinance will be submitted to the County Auditor, County Treasurer and the County Prosecutor. A list of tax delinquent properties is then sent to the City. The City can then request that a tax foreclosure be commenced on a property on that list, and if no bid is made at the tax foreclosure sale, the property is then transferred to the City. The process provides clear title to the property, and permits the City to proceed to redevelop and re-utilize the property. Law Director Stephan advised this procedure would be used for a narrow set of vacant properties that are severely delinquent, as in years behind on taxes and there is no attempt to make any payments; and where there are property maintenance issues that need to be addressed. If there is an owner present who is attempting to make payments this process would not be used, nor could this procedure be used with respect to a vacant property where the owner is making payments and maintaining the property. Law Director Stephan stated the Montgomery County Land Reutilization Corporation (commonly known as the Montgomery County Land Bank) can also assist the City in

acquiring and reutilizing tax delinquent vacant properties. In certain circumstances, the Land Bank may be able to provide financial assistance to the City for the costs of acquisition and redevelopment of the property. A memorandum of understanding between the Montgomery County Land Reutilization Corporation in the City is attached to this memorandum. City staff is requesting that Council approve a motion that would authorize the City Manager to execute this Memorandum of Understanding to permit the City to participate in the Montgomery County Land Bank.

Member Apgar inquired whether the Montgomery County Land Reutilization Corporation can dictate what we put on the property if we enter into an agreement with them?

Law Director Stephan replied the Montgomery County Land Reutilization Corporation cannot dictate what will happen to the property. If they do acquire the property our zoning and maintenance rules still apply and it would be redeveloped in coordination with us.

Law Director Stephan advised for example the State of Ohio is providing millions of dollars for a grant program in which land banks are competing throughout the State of Ohio. As part of this process, up to \$25,000 can be awarded for demolition of a residential structure. The City identifies the troubled property and submits a grant application, then the Land Bank actually acquires the property through the taxable foreclosure and coordinates the demolition. The Land Bank coordinates with the City as far as redeveloping the property or selling it to an adjoining property owner. If the property is not sold within a three year period, the property is conveyed to the City.

Member Duncan inquired about back taxes on properties that are acquired by the City?

Law Director Stephan replied the tax is expunged in the tax foreclosure process. There are limits as to what the City can do with the funds if the property is sold. The proceeds must go back into the program and cannot be used for other purposes.

Member Duncan reiterated that other taxing authorities do not get anything out of this and the City is not responsible for anything.

Law Director Stephan stated that is correct.

Member Garber stated the only thing he is nervous about is that it is pretty subjective as to tax delinquency. There are no time periods stipulated as to how far the property is behind on their taxes before the City can start this proceeding.

Law Director Stephan replied typically most communities do not act unless the properties are two or three years behind on their taxes. Law Director Stephan stated he does not see us using this process unless a property is multiple years behind on their taxes.

Member Garber asked if we can define the time frame in our Ordinance?

Law Director Stephan stated Council can direct staff by motion that the program is not used for a property that is less than a set time frame behind on their taxes.

Member Duncan inquired what if the property is a safety hazard?

Member Garber stated if that is subjective what is the safety hazard?

Member Duncan replied that the property is halfway burnt down.

Law Director Stephan stated we must keep in mind that we still have property maintenance code enforcement, so we can take immediate action to remedy a situation if there is a safety hazard. Law Director Stephan advised he is reluctant to put a time frame in the Ordinance but Council can direct staff by motion not to use this process unless the property is behind on more than a specific time period.

Member Garber commented he would like to give people a chance to get on their feet or make it right.

Member Kirklin stated it is her understanding that there is no active owner of the property per se. For example, if a property owner passes away and there are no heirs to transfer the property to, there is no one to notify that the taxes need paid or the grass needs to be mowed.

Law Director Stephan added if there is a tax payer that is on a tax delinquent plan, they will not appear on the delinquent tax payer's list. Law Director Stephan agreed that we need to be very cautious in using the proposed Ordinance. Law Director Stephan stated he does not see the City using this except in rare circumstances; however, there are currently several properties within the City that fit within these rare circumstances.

Member Cantrell stated she thinks the proposed Ordinance will be more helpful with Industrial Properties.

Law Director Stephan replied that the Land Bank can assist us with an abandoned industrial property situation with delinquent taxes.

Motion by Cantrell, second by Kirklin to read proposed Ordinance No. 2014-06. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading of proposed Ordinance No. 2014-06. All yeas, motion carried.

Member Garber inquired if it would be a concern if a property owner is in bankruptcy?

Law Director Stephan replied he does not know the County Treasurer's policy on bankruptcy's before a property owner is placed on the delinquent tax payers list. Law Director Stephan advised in a Chapter 7 bankruptcy, taxes that are a priority are not discharged. Chapter 13 bankruptcies are a little different, and the debtor can list the County Treasurer in their plan and pay their past due real estate taxes through the plan. The County Treasurer will file proof of claims in those cases and those cases would probably not be on the list because the debtor is attempting to make payments. Law Director Stephan stated the other issue is that if the debtor is making payments they are either living in the property, or in the case of a business or rental property, they are attempting to make money out of it. Law Director Stephan stated we are not going to use this process if there is an active owner that is trying to do something with the property.

Motion by Kirklin, second by Cantrell to authorize Manager Wright to execute a Memorandum of Understanding to permit the City to participate in the Montgomery County Land Bank.

Member Garber asked when he should make his motion to set a time frame?

Member Apgar commented he would vote against this motion because he thinks we have to allow City Staff to do what they feel is necessary. If Council does not agree with the course of action, then they could make a motion to direct staff differently.

Member Garber stated he would just be adding one more guideline.

Member Cantrell commented she thinks this would take away the City Manager's capabilities by dictating when staff can and cannot do something; and she would be inclined to vote against a motion setting a time frame. Member Cantrell stated City Staff is paid to make these kinds of decisions and Council should not second guess them.

Member Garber stated he is not second guessing City Staff.

Member Apgar agreed with Member Cantrell, stating there is no way to know every circumstance. Member Apgar stated something may have to be done within a year because of circumstances, and he feels the decision should be made by City Staff.

Member Garber commented as long as we have reasonable people as staff, but that might not always be the case.

Mayor Seagraves stated there is a motion on the floor to approve the Memorandum of Understanding with the Montgomery County Land Bank and called for the vote. All yeas, motion carried.

Law Director Stephan advised Planning Commission has recommended that Council adopt proposed Ordinance No. 2014-07, which updates our regulations with respect to wireless telecommunication facilities. The proposed Ordinance is based substantially on an Ordinance that the City of Vandalia has regulating telecommunication facilities. Law Director Stephan stated we are not changing our zoning districts that allow cell towers; we are increasing the radius from the tower to any residential property to 500 feet and setting the maximum height of the tower at 200 feet. Law Director Stephan advised there are additional regulations that will help us; which he will go over in detail prior to the Public Hearing next month. A few of the regulations that will assist us are the regulations regarding co-location so that if we have another cell tower constructed in the community, they would be required to potentially allow another use to co-locate in order to limit the number of towers that we have in the community. In addition, there are provisions regarding abandonment of a tower, and additional regulations regarding construction and review standards and the fact that applicants will need to show that it is technically necessary for them to construct a cell tower in our community.

Mayor Seagraves advised Planning Commission worked for two months on the proposed Ordinance and commended Law Director Stephan on a tremendous job in trying to keep our regulations current and ahead of the game.

Member Garber commented that section 1169.07 (a) of the proposed Ordinance states that the Zoning Inspector may declare that faculty abandon the 180 day period. Member Garber pointed out this is a distinct time frame rather than allowing it be left up to City Staff.

Motion by Apgar, second by Cantrell to read proposed Ordinance No. 2014-07. All yeas, motion carried.

Motion by Garber, second by Kirklin to accept the first reading of proposed Ordinance No. 2014-07. All yeas, motion carried.

Mayor Seagraves set the Public Hearing for proposed Ordinance No. 2014-07 for August 5, 2014 at 8:00 p.m.

Assistant Manager/Finance Director/Clerk Keaton presented the June 30, 2014 Fund Balance for Council review and approval, and the 2014 Second Quarter Detail Trial Balance.

Motion by Cantrell, second by Apgar to approve the June 30, 2014 Fund Balance as presented. All yeas, motion carried.

Assistant Manager/Finance Director/Clerk Keaton presented a request from Junior Cruea to approve blocking Foothill Drive from 233 Foothill to Ostend Drive for a Block Party on August 30, 2014 from 3:00 p.m. until 7:00 p.m.

Motion by Kirklin, second by Apgar to allow residents to block the street from 233 Foothill to Ostend Drive for a Block Party on August 30, 2014 from 3:00 p.m. until 7:00 p.m. All yeas, motion carried.

Assistant Manager/Finance Director/Clerk Keaton announced the City's health, dental and life insurance is up for renewal on August 1, and recommended that we renew our health insurance with Anthem, our dental insurance with Dental Care Plus, and life insurance with United HealthCare.

Motion by Cantrell, second by Garber to renew our Anthem Lumenos 6.0 HSA Option E51 health insurance plan with the Rx-9 prescription plan and the Anthem Blue Access 6.0 Option D55 health insurance plan with the Rx-8 prescription plan, which allows the City to continue to offer dual health insurance plans, with the employee contributing 12% and the employer contributing 88% of the monthly rate from August 1 through December 31, 2014 and with the employee contributing 13% and the employer contributing 87% of the monthly rate from January 1 through July 31, 2015. The City will contribute \$1,500 for each single employee and \$3,000 for an employee plus dependent contract under the Lumenos HSA plan; and to accept the Dental Care Plus proposal for dental insurance at a monthly rate of \$28.60 per single employee, \$57.17 per employee and one dependent and \$87.88 per employee and two or more dependents; and to continue our Life and AD&D insurance through United HealthCare with the dental and life insurance paid 100% by the employer and to offer Avesis Vision Care Plus as a voluntary vision plan through the Cafeteria 125 Plan. All yeas, motion carried.

Mayor Seagraves thanked City Staff for preparing Golden Gate Park for the baseball tournament that was held last weekend with over 50 teams participating. Mayor Seagraves reported along with the ball tournament, all of the shelters at Golden Gate Park were also used. Mayor Seagraves commented that the park looked great and it was nice to see everything in use.

Member Garber inquired if plans have progressed for the war memorial behind Gateway Park.

Manager Wright replied the project is still in the planning phase.

Mayor Seagraves wished everyone a safe and happy Fourth of July holiday.

Member Garber stated his Council paycheck can be left in his inbox from now on and asked if everyone else was in agreement?

The consensus was for Council pay to be placed in their inbox from now on.

Member Cantrell advised the boulevard is overgrown on Wolf Creek Street from Brookside to Arlington Road and requested Manager Wright take a look at it.

Member Duncan asked if they will be meeting soon regarding the Clay Township Fire Levy?

Assistant Manager/Finance Director Keaton advised she will be setting the meeting date soon.

Motion by Cantrell, second by Apgar to go into Executive Session on a Real Estate Matter as requested by Manager Wright. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Motion by Kirklin, second by Apgar to authorize Manager Wright to enter into and sign a Purchase and Sale Agreement with Dayton Metro Library to sell Lot #2345, 2.122 acres, on the corner of Johnsville-Brookville Road and Blue Pride Drive for a price of \$50,000. All yeas, motion carried.

Motion by Duncan, second by Garber to adjourn. All yeas, motion carried.

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Sonja M. Keaton, Clerk

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David E. Seagraves, Mayor